IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 38016 of 2007(A)

PETITIONER:

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1. KALLYANIKUTTIYIL VADAKKEPURAYIDOM,
OMALLOOR VILLAGE, PATHANAMTHITTA.

2. SINDHU, D/O KALLYANI,
KUTTIYIL VADAKKEPURAYIDOM,
OMALLOOR VILLAGE, PATHANAMTHITTA

BY ADV. SRI.PHM.BASHEER

RESPONDENTS:

SANKARAN AYYAPPAN, KUTTIYIL VADAKKEPURAYIDOM,
OMALLOOR VILLAGE, PATHANAMTHITTA DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

W.P.(C).38016/2007

Dated this the 19th day of December, 2007

JUDGMENT

This writ petition is preferred against the order of the Munsiff, Pathanamthitta in I.A.2721/2007 in O.S.481/2007. By the said order, the Munsiff has granted an order of injunction against the present writ petitioners. The two remedies available for the person against whom the order of injunction is passed is firstly to approach the Court which passed the order and request for hearing the petition or request the Court to vary the order under Order 39 Rule 40 of CPC. Another remedy is to file an appeal before the appropriate forum. The Court below which passed the order had applied its mind and granted the order of interim injunction. This Court exercising the jurisdiction under Article 227 of the Constitution of India cannot interfere with that order unless it is found that it is totally against law without jurisdiction or it has amounted to injustice which cannot be regular. Nothing of this type exists in this case and therefore, I decline jurisdiction and dismiss the writ petition.

M.N.KRISHNAN,
Judge

mrcs